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RULES

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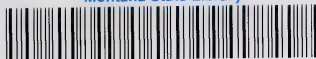
MONTANA LEGISLATIVE ASSEMBLY



Thirty-Ninth Legislative Assembly



1965



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RULES
of the
MONTANA LEGISLATIVE
ASSEMBLY



Thirty-Ninth Legislative Assembly



1965



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ROSTER OF THE SENATE

NAME	RESIDENCE	COUNTY	POLITICS
*Anderson, Helen F.	Wibaux.	Wibaux.	Republican
Balgord, O. P.	Lavina.	Golden Valley.	Republican
Beck, Ralph J.	818 Milwaukee Ave., Deer Lodge.	Powell.	Republican
*Beley, Ward H.	Harlowton.	Wheatland.	Democrat
*Bentz, C. C.	Ekalaka.	Carter.	Republican
*Bovey, Charles A.	Box 1653, Great Falls.	Cascade.	Democrat
*Breen, Jerry W.	Choteau.	Teton.	Republican
Brenner, J. S.	Grant.	Beaverhead.	Republican
Brownfield, Ben.	123 S. Taylor, Glendive.	Dawson.	Republican
*Cole, Kenneth.	Winnett.	Petroleum.	Republican
*Cotton, Robert S.	Box 27, Glasgow.	Valley.	Democrat
*Cumming, Hugh C.	Drummond.	Granite.	Democrat
Davis, Warren H.	418 Chestnut St., Anaconda.	Deer Lodge.	Democrat
DeWolfe, Percy.	Babb.	Glacier.	Democrat
Dussault, Edward T.	Mullan Road, Missoula.	Missoula.	Democrat
Edwards, Lochiel.	Malta.	Phillips.	Republican
*Gerard, Sumner.	Ennis.	Madison.	Republican
*Goodwin, Lester C.	Townsend.	Broadwater.	Democrat
Graham, Carroll A.	Lodge Grass.	Big Horn.	Democrat
*Groff, Wm. A. "Bill"	Victor.	Ravalli.	Democrat
*Hafferman, William F.	314 E. Ninth St., Libby.	Lincoln.	Democrat
Harris, Dr. W. E.	Box 545, Livingston.	Park.	Democrat
Hauk, Mike.	Terry.	Prairie.	Democrat
Hibbard, Henry S.	618 Madison, Helena.	Lewis and Clark.	Republican
*Hilling, Henry B.	1214 Ninth St. W., Billings.	Yellowstone.	Republican
Holt, Steve A., Jr.	Broadus.	Powder River.	Republican
*Huntley, Gene.	Baker.	Fallon.	Democrat
James, David F.	Joplin.	Liberty.	Democrat
*Jensen, Arthur N.	Superior.	Mineral.	Democrat

ROSTER OF THE SENATE — (Continued)

NAME	RESIDENCE	COUNTY	POLITICS
Kafka, Lada J.....	Shambo Route, Havre.....	Hill.....	Democrat
*Keller, Webster.....	Fishtail.....	Stillwater.....	Democrat
Killenbeck, Roy.....	Scobey.....	Daniels.....	Republican
Lehrkind, Carl, Jr.....	610 S. Willson, Bozeman.....	Gallatin.....	Republican
MacDonald, John J.....	Jordan.....	Garfield.....	Democrat
Mackay, William R.....	Roscoe.....	Carbon.....	Republican
*Mahoney, Eugene H.....	Thompson Falls.....	Sanders.....	Democrat
Manning, Dave M.....	Hysham.....	Treasure.....	Democrat
Mathers, W. L. "Bill".....	314 S. Merriam, Miles City.....	Custer.....	Republican
McDonnell, A. Ronald.....	Big Timber.....	Sweet Grass.....	Republican
*McGowan, Gordon.....	Highwood.....	Chouteau.....	Democrat
*McKenna, George S.....	Stanford.....	Judith Basin.....	Democrat
*Melcher, John.....	Forsyth.....	Rosebud.....	Democrat
*Michels, Lloyd J.....	Medicine Lake.....	Sheridan.....	Democrat
*Moberly, Waldo Y.....	485 Judy Ave., Shelby.....	Toole.....	Republican
*Moritz, Earl.....	1024 W. Evelyn, Lewistown.....	Fergus.....	Republican
Nees, Stanley.....	Poplar.....	Roosevelt.....	Democrat
Nixon, Richard.....	Hogeland.....	Blaine.....	Democrat
O'Neill, Dr. R. T.....	813 Third West, Roundup.....	Musselshell.....	Democrat
*Reardon, Frank D.....	30 E. Iron St., Butte.....	Silver Bow.....	Democrat
*Rieder, Arnold.....	Boulder.....	Jefferson.....	Democrat
Rostad, Carl.....	Martinsdale.....	Meagher.....	Republican
*Siderius, George.....	Somers Stage, Kalispell.....	Flathead.....	Democrat
*Thiessen, C. R.....	Lambert.....	Richland.....	Democrat
Thomas, Robert B.....	Wolf Point.....	McCone.....	Republican
Turnage, Jean A.....	Polson.....	Lake.....	Republican
Ullom, Maurice J.....	Conrad.....	Pondera.....	Republican

* Holdover Senator.

ROSTER OF THE HOUSE

NAME	RESIDENCE	COUNTY	POLITICS
Aasheim, Magnus.....	Antelope.....	Sheridan.....	Democrat
Asbjornson J. O. "Boots".....	Winifred.....	Fergus.....	Republican
Atkins, Arthur.....	516 Mineral Ave., Libby.....	Lincoln.....	Democrat
Bailey, Manson H., Jr.....	Glasgow.....	Valley.....	Democrat
Bardanouve, Francis.....	Harlem.....	Blaine.....	Democrat
Bashor, Leonard G.....	Kevin.....	Toole.....	Democrat
Bollinger, Gordon E.....	122 Third Ave. N., Glasgow.....	Valley.....	Democrat
Boughton, Bert D.....	Jordan.....	Garfield.....	Republican
Brenner, Paul E.....	Cardwell.....	Jefferson.....	Democrat
Broeder, Fred O., Jr.....	Route 4, Kalispell.....	Flathead.....	Republican
Casey, Loran.....	107 Dawson, Wolf Point.....	Roosevelt.....	Republican
Cerovski, Charles.....	207 Crystal Drive, Lewistown.....	Fergus.....	Democrat
Christiansen, E. W. "Bill".....	Hardin.....	Big Horn.....	Democrat
Cregg, William G.....	125 Sentinel, Missoula.....	Missoula.....	Democrat
Crum, Forrest H.....	1147 Broadwater Ave., Billings.....	Yellowstone.....	Republican
Cummings, Everett D.....	Hobson.....	Judith Basin.....	Democrat
Delano, John L.....	420 S. Wallace, Helena.....	Lewis and Clark.....	Republican
Deschamps, Robert L., Jr.....	Route 4, Missoula.....	Missoula.....	Democrat
Dye, Robert F.....	622 S. Grand, Bozeman.....	Gallatin.....	Republican
East, Vic.....	Forsyth.....	Rosebud.....	Republican
Egan, Eugene C.....	Valier.....	Pondera.....	Democrat
Eklund, Elmer A.....	Ryegate.....	Golden Valley.....	Democrat
Esildsen, Leslie "Joe".....	Malta.....	Phillips.....	Democrat
Falkenstern, Arnold H.....	Terry.....	Prairie.....	Republican
Felt, James R.....	303 Parkhill Drive, Billings.....	Yellowstone.....	Republican
Fischer, C. R.....	1201 W. Park Ave., Anaconda.....	Deer Lodge.....	Democrat
Flynn, Elmer.....	Route 2, Missoula.....	Missoula.....	Democrat
Garrison, W. F. "Bill".....	Glen.....	Madison.....	Republican
Gerke, Harold E.....	202 Mountain View, Billings.....	Yellowstone.....	Democrat

ROSTER OF THE HOUSE — (Continued)

NAME	RESIDENCE	COUNTY	POLITICS
Gilfeather, P. J.	2816 Fourth Ave. S. Great Falls.	Cascade	Democrat
Gill, Henry L.	Thompson Falls.	Sanders	Democrat
Gilligan, Peter J.	3020 Fourth Ave. S., Great Falls.	Cascade	Democrat
Gunderson, Jack.	Power.	Cascade	Democrat
Haines, Tom.	15 Martha's Court, Missoula.	Missoula	Republican
Hall, John C.	1020 Third Ave. N., Great Falls.	Cascade	Democrat
Hanks, Virgil.	Gallatin Gateway.	Gallatin	Democrat
Harper, Warren W., Sr.	717 N. Second, Livingston.	Park	Democrat
Healy, John E. "Jack"	624 W. Granite St., Butte.	Silver Bow	Democrat
Holtz, Ronald W.	Flowerree.	Cascade	Democrat
James Mrs. R. H. (Isabel).	Grant.	Beaverhead	Republican
Jenkins, L. V., Jr.	Hysham.	Treasure	Republican
Jensen, Millo.	Ronan.	Lake	Republican
Johnson, Edward A.	710 W. Sixth St., Anaconda.	Deer Lodge	Democrat
Judge, Thomas L.	417 Dearborn, Helena.	Lewis and Clark	Democrat
Laas, Walter.	Chester.	Liberty	Democrat
Leuthold, John H.	Molt.	Stillwater	Republican
Lewis, Joe H.	Browning.	Glacier	Democrat
Loman, Ray M.	Ronan.	Lake.	Republican
Lombardi, Jerry V.	947 Waukesha, Butte.	Silver Bow	Democrat
Lucas, James P.	500 S. Strevell, Miles City.	Custer	Republican
Lund, Arthur E.	Scobey.	Daniels.	Republican
MacCalman, Malcolm.	203 Fifth St., Deer Lodge.	Powell.	Republican
Mather, William S.	1005 Second St. W., Roundup.	Musselshell.	Republican
McDonald, John K.	Belt.	Cascade	Democrat
McNamara, Jack R.	916 Stuart, Helena.	Lewis and Clark	Democrat
McNameer, William R.	235 Yellowstone Ave., Billings.	Yellowstone	Republican
McOmber, W. Gordon.	Fairfield.	Teton	Democrat
Meccage, A. L.	Baker.	Fallon.	Democrat

ROSTER OF THE HOUSE — (Continued)

NAME	RESIDENCE	COUNTY	POLITICS
Nefzger, Donald Deane.....	Vida.....	McConne.....	Democrat
Nelson, Carl.....	Hall.....	Granite.....	Republican
Nichols, Norris.....	Stevensville.....	Ravalli.....	Republican
Nutting, Richard A.....	Silesia.....	Carbon.....	Republican
Obstarczyk, John J.....	827 Second Ave. N. W., Great Falls.....	Cascade.....	Democrat
O'Hair, Allyn W.....	Box 955, Livingston.....	Park.....	Democrat
O'Leary, Barry J.....	2009 Gorham Park Dr., Billings.....	Yellowstone.....	Democrat
Pierce, John H.....	1312 Parkhill Dr., Billings.....	Yellowstone.....	Republican
Prevost, Robert C.....	Lambert.....	Richland.....	Democrat
Raundal, Robert S. "Bob".....	Winnett.....	Petroleum.....	Democrat
Rehberg, Jack D.....	2317 Rehberg Lane, Billings.....	Yellowstone.....	Republican
Rygg, Sterling.....	Whitefish.....	Flathead.....	Republican
Sartz, Leonard L.....	Wibaux.....	Wibaux.....	Democrat
Schepens, Fred W.....	217 5th Highland Park, Glendive.....	Dawson.....	Democrat
Scherf, Margaret.....	737 First Ave. W., Kalispell.....	Flathead.....	Democrat
Schye, Elmer.....	White Sulphur Springs.....	Meagher.....	Republican
Selstad, Tom A.....	Horizon Addition, Great Falls.....	Cascade.....	Republican
Sheehy, John C.....	1041 Poly Drive, Billings.....	Yellowstone.....	Democrat
Shugrue, Stephen J.....	980 N. Main St., Butte.....	Silver Bow.....	Democrat
Slaby, Cyril "Cy".....	612 Fifteenth St., Havre.....	Hill.....	Democrat
Smiley, Richard D.....	Route 2, Box 149, Bozeman.....	Gallatin.....	Republican
Smith, Carl M.....	Olive.....	Powder River.....	Republican
Spilde, Gene.....	Big Timber.....	Sweet Grass.....	Republican
Stranahan, C. G.....	Fort Benton.....	Chouteau.....	Democrat
Sullivan, Kermit C.....	Superior.....	Mineral.....	Democrat
Swanz, E. A.....	Harlowton.....	Wheatland.....	Republican
Tooke, Richard D.....	Ekalaka.....	Carbon.....	Republican
Tracy, Thomas P.....	2425 Nettie St., Butte.....	Silver Bow.....	Democrat
Twedt, Gordon R.....	Rudyard.....	Hill.....	Democrat

ROSTER OF THE HOUSE — (Continued)

NAME	RESIDENCE	COUNTY	POLITICS
Ulmer, Walter J.....	121 S. Merriam, Miles City.....	Custer.....	Republican
Watt, Robert D.....	440 South Ave. E., Missoula.....	Missoula.....	Democrat
Wayrynen, Ray J.....	133 E. Broadway St., Butte.....	Silver Bow.....	Democrat
Williams, William G. "Bill".....	Toston.....	Broadwater.....	Republican
Willits, John B.....	1620 Fifth Ave. N., Great Falls.....	Cascade.....	Democrat
Woodard, Hubert E.....	127 Ave. C, P. O. Box 660, Billings.....	Yellowstone.....	Republican
Zimmer, William H.....	Olney.....	Flathead.....	Democrat

OFFICERS OF THE SENATE

TED JAMES

President

EUGENE H. MAHONEY

President Pro Tem

EDWARD T. DUSSAULT

Majority Floor Leader

SUMNER GERARD

Minority Floor Leader

ALLEN DONOHUE

Secretary

OFFICERS OF THE HOUSE

RAY J. WAYRYNEN

Speaker

GORDON R. TWEDT

Speaker Pro Tem

CHARLES CEROVSKI

Majority Floor Leader

JAMES P. LUCAS

Minority Floor Leader

WALTER MARSHALL

Chief Clerk

RULES
OF THE
MONTANA
LEGISLATIVE ASSEMBLY

JOINT RULES

CHAPTER 1

Presiding Officer—Decorum, Order and Debate

1-1. The presiding officer of the senate is the president and the presiding officer of the house of representatives is the speaker. The presiding officer of each house shall take the chair on every legislative day at the hour to which that house adjourned at the last sitting. After call to order, prayer by the chaplain and roll call, a report on the journal for the preceding legislative day shall be given in the presence of a quorum, and each house shall proceed with the regular order of business.

1-2. The presiding officer of each house shall preserve order and decorum, and in case of disturbance or disorderly conduct, may order the galleries or lobbies to be cleared.

1-3. The presiding officer of each house has general control and direction of the hall, chamber, rooms, passages and corridors of the house over which he presides. Reporters on assignment in either house are subject to placement by the presiding officer.

1-4. The presiding officer of each house shall decide all questions of order, subject to an appeal by any member seconded by two other members. No member may speak more than

once on an appeal without the consent of a majority of the house of which he is a member.

1-5. When a member desires to speak he shall rise and address the presiding officer and, being recognized, shall speak standing in his place unless the presiding officer grants permission to speak from some other place on the floor. When two or more members rise at the same time the presiding officer shall name the member who is to speak first.

1-6. When a member has been called to order, he shall sit down until the presiding officer determines whether he is in order or not. If the member is called to order for words spoken in debate, the language excepted to shall be taken down in writing by the chief clerk or secretary.

1-7. Questions of privilege are: first, those affecting the collective rights, safety, dignity, and integrity of the proceedings of either house; and second, those affecting the rights, reputation and conduct of individual members of either house in their capacity as members. A question of privilege affecting either house collectively takes precedence over a question of privilege affecting an individual member.

1-8. The presiding officer of each house, in the presence of the house over which he presides, after due notice and immediately after the title has been publicly read, shall sign the original and one copy of each enrolled bill originat-

ing in the house over which he presides. The fact of signing shall be at once entered upon the journal. At the time of signing, if a member signifies his desire to examine the bill he shall be permitted to do so. The bill shall then be sent to the other house where the same procedure shall be followed. (Based in part on **Montana Constitution, Art. V, Sec. 27**)

1-9. The presiding officer of each house shall sign all payrolls and subpoenas approved or issued by the house over which he presides.

1-10. (1) A communication or paper shall be addressed to the presiding officer, and shall bear the name of the person submitting it. When the reading of a paper is called for and a member objects, it shall be determined by a vote of the house without debate. This subsection does not apply to bills, or to communications from the governor or the other house.

(2) A paper for or against proposed legislation may not be placed on the desks of the members or circulated within the chamber unless the person responsible has signed it and has received permission from the chief clerk of the house or the secretary of the senate to distribute it in the house concerned.

CHAPTER 2

Meetings, Quorums and Attendance

2-1. The chamber of the senate and the hall of the house of representatives shall be open from 8 o'clock a.m. until 11 o'clock p.m. each day during the session, unless by resolution of the senate its chamber, or by resolution of the house its hall, shall be closed.

2-2. The hour of meeting of the senate is 10 a.m. unless otherwise ordered by the senate. The hour of meeting of the house of representatives is 10 a.m. unless otherwise ordered by the house.

2-3. Only the following persons may be admitted to the floor of the house of representatives or senate during sessions: executive officers, legislators, legislative employees, reporters, guests of members of the respective houses, and former members of the respective houses.

2-4. Lobbying on the floor of the senate or house of representatives is prohibited during a session and within one-half hour prior to the commencement of a session.

2-5. The sessions of each house and of the committees of the whole shall be open, unless the business is such as requires secrecy. (**Montana Constitution, Art. V, Sec. 13**)

2-6. During the discussion of a motion to close

the doors of either house to discuss business which may, in the opinion of that house, require secrecy, the presiding officer shall exclude all persons, except the members and the chief clerk or secretary. Every member and employee of such house shall keep secret all matters ordered to be kept secret.

2-7. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. (**Montana Constitution, Art. V, Sec. 14**)

2-8. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe. (**Montana Constitution, Art. V, Sec. 10**)

2-9. Unless he is excused, a member of the house or senate shall be present at every sitting of the house of which he is a member.

2-10. In the absence of a quorum, a majority of members present in either house may compel the attendance of absent members by ordering a call of the house of which they are members.

2-11. If a quorum is present, five members of the senate may order a call of the senate, and fifteen members of the house of representatives may order a call of the house.

2-12. On a call of either house, a member who refuses to attend may be arrested by the sergeant-at-arms or any other person, as the majority of such members present shall direct. When the attendance of an absent member is secured after a call of either house, if the house of which he is a member refuses to excuse his absence, he shall not be paid any per diem during his absence and is liable for the expenses incurred in procuring his attendance.

2-13. During a call of either house, all business of that house shall be suspended. After a call has been ordered no motion is in order except a motion to adjourn or remove the call. The call may be removed by a two-thirds vote.

CHAPTER 3

Legislative Employees

3-1. The legislative assembly shall prescribe by law the number, duties and compensation of the officers and employees of each house; and no payment shall be made from the state treasury, or be in any way authorized to any such person, except to an acting officer or employee elected or appointed in pursuance of law. (**Montana Constitution, Art. V, Sec. 28**)

3-2. Except as provided in Joint Rule 3-3 and Joint Rule 3-4, the committee on legislative administration of each house shall appoint the employees of each house, subject to the approval of the respective houses.

3-3. The committee on legislative administration of each house shall appoint secretaries for standing or special committees on recommendation of the committee chairman, subject to the approval of the respective houses. A secretary for a standing or special committee is immediately responsible to the committee chairman, but when not occupied with the duties of a committee, a secretary of a committee of the house of representatives shall work under the direction of the chief clerk of the house, and a secretary of a senate committee under the direction of the secretary of the senate.

3-4. The minority floor leader of each house

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may appoint a private secretary, who is responsible to him.

3-5. The secretary of the Senate and chief clerk of the house of representatives are responsible to the presiding officers of their respective houses. Their duties are :

(a) To have custody of all records, bills, documents and other papers.

(b) To supervise the keeping of the journal, engrossing, and enrolling, and the handling of bills and resolutions.

(c) To deliver to the secretary of state at the close of each session, the journal, bill books and resolution books, and all copies of introduced and engrossed bills and joint resolutions.

(d) To collect from the chairman or secretaries of all standing and special committees the minutes of such committees and deliver them to the state historical society.

3-6. Journal clerks, bill clerks, engrossing and enrolling clerks, typists, and other employees responsible for legislative functions, except secretaries for standing or special committees, secretaries to presiding officers, and secretaries to majority and minority floor leaders, are immediately responsible to the secretary of the senate or the chief clerk of the house, subject to the general supervision of the presiding officer.

3-7. The duties of the engrossing and enrolling clerks are :

(a) To engross or enroll all bills delivered to them within forty-eight hours after they have been received, unless further time is granted.

(b) To correct clerical errors, with the consent of the secretary of the senate or chief clerk of the house of representatives, in any bill originating in the house by which they are employed. Clerical errors such as the following may be corrected:

- (i) errors in spelling
- (ii) errors in numbering sections
- (iii) adding or deleting underlining or lines through matter to be stricken
- (iv) material copied incorrectly from the recent Revised Codes of Montana.

The secretary of the senate and chief clerk of the house shall inform the principal sponsor of all such corrections. No bill shall be corrected after engrossment.

3-8. (1) The sergeants-at-arms are responsible to the presiding officers of their respective houses. Their duties are :

(a) To maintain order under the direction of the presiding officer.

(b) To execute commands and serve all processes.

(c) To receive, distribute and have custody of supplies.

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(d) To keep account for per diem and mileage of members and employees, and prepare and submit all claims for payment.

(e) To take an inventory at the close of each session of all furniture, fixtures, supplies and other property and turn such property over to the state controller for custody until the next session. One copy of the inventory shall be kept on file in the office of the sergeant-at-arms.

(2) All expenditures of money appropriated for the operation of the legislature assembly must be approved by the committee on legislative administration of the house concerned.

3-9. The assistant sergeant-at-arms, doorkeepers, watchmen, janitors, pages and other employees responsible for general housekeeping functions are immediately responsible to the sergeant-at-arms, subject to the general supervision of the presiding officer.

3-10. The duties of the chaplain of each house are to open each day's session with a prayer.

3-11. The duties of the law clerks of each house are to draft legislation and perform legal research for members.

3-12. An employee of either house is prohibited from lobbying as defined in Section 43-802 (1), R. C. M. 1947. However, an employee may testify before a committee of either house on the

request of the committee. An employee violating this rule shall be discharged.

3-13. Disputes or complaints involving the competency or decorum of a legislative employee shall be referred to the committee on legislative administration of the house by which the employee is employed. The committee, in its discretion, may dismiss, suspend or retain the employee. The committee on legislative administration shall periodically review the roster of employees and shall dismiss surplus employees.

CHAPTER 4

Order of Business

4-1. After prayer, roll call, and report on the journal, the order of business of the senate and house of representatives is as follows:

- (1) Communications and petitions
- (2) Reports of standing committees
- (3) Reports of select committees
- (4) Messages from the governor
- (5) Messages from the other house
- (6) Motions and resolutions
- (7) First reading and commitment of bills
- (8) Second reading of bills (committee
 of the whole)
- (9) Third reading of bills
- (10) Unfinished business
- (11) Special orders of the day
- (12) Announcement of committee meetings

To revert to or pass to a new order of business requires only a majority vote. Unless otherwise specified in the motion to recess, the house involved shall revert to order of business No. 1 when reconvening after a recess.

CHAPTER 5

Motions

5-1. When a motion is made it shall be restated by the presiding officer, and, if requested by the presiding officer or a member, shall be reduced to writing and read aloud. A motion may be withdrawn by the member making it at any time before it is amended or voted upon.

5-2. When a question is under debate no motion may be made except the following privileged and subsidiary motions which have precedence in the order listed:

- (1) To adjourn
- (2) For a call of the house
- (3) To recess
- (4) Question of privilege
- (5) To lay on the table
- (6) For the previous question
- (7) To postpone to a day certain
- (8) To refer or commit
- (9) To amend
- (10) To postpone indefinitely

5-3. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

5-4. A member who voted on the prevailing side of a question may, on the day the vote was taken or on the next legislative day, move to reconsider the question. A motion to reconsider may not be withdrawn after such next legislative day without the unanimous consent of the house concerned, and thereafter any member may call it up for consideration; however, a motion to reconsider made after the fifty-fourth day of the session shall be disposed of when made. A motion to recall a bill from the other house constitutes notice to reconsider, and shall be acted on as a motion to reconsider. A motion to reconsider or to recall a bill from the other house may be made only under order of business No. 6, and under that order of business takes precedence over all motions except motions to recess or adjourn.

5-5. When a motion to reconsider is laid on the table, a two-thirds majority is required to take it from the table. When a motion to reconsider fails, the question is finally and conclusively settled.

5-6. (1) Except as provided in subsection (2) of this rule, the effect of moving the previous question, if adopted, is to close debate immediately, to prevent the moving of amendments or other subsidiary motions, and to bring to vote promptly the immediately pending main question and the adhering subsidiary motions, whether on appeal or otherwise.

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(2) When the previous question is ordered on any debatable question on which there has been no debate, the question may be debated for one-half hour, one half of such time to be given to the proponents and one half to the opponents.

5-7. A call of the house is not in order after the previous question is ordered, unless it appears upon an actual count by the presiding officer that a quorum is not present.

5-8. The following motions are not debatable:

- (1) To adjourn
- (2) For a call of the house
- (3) To recess
- (4) For parliamentary inquiry
- (5) For suspension of the rules
- (6) To lay on the table
- (7) For the previous question
- (8) To limit, extend the limits of, or to close debate
- (9) To amend an undabatable motion
- (10) To divide a question
- (11) To pass business in committee of the whole
- (12) To take from the table
- (13) A decision of the presiding officer, unless appealed or unless he submits the question to the house for advice or decision

- (14) All incidental motions, such as motions relating to voting or other questions of a general procedural nature

5-9. A member may move to divide a question if it includes two or more propositions so distinct in substance that if one thing is taken away a substantive question will remain.

5-10. An amendment to a motion may be amended, but an amendment to an amendment to a motion may not be amended. However, a substitute for an amendment to an amendment to a motion may be adopted and the substitute may be amended.

CHAPTER 6

Bills and Resolutions

A.—Form of Bills—Definition of Resolutions— General Provisions

6-1. The only types of instruments other than bills which may be introduced in either house of the legislative assembly are:

(1) A simple resolution, which is a formalized motion passed by one house only and which bears the heading "House Resolution" or "Senate Resolution." It may be used to amend the rules of one house or to express the desire, opinion, sympathy or request of the house adopting it. It does not require three readings or a roll call vote. A member offering a simple resolution may read it in his place before sending it to the chair. It shall then be read by the clerk or secretary unless otherwise ordered by the house, and referred to a committee. Final action shall be taken on the committee report. The transmittal of copies of simple resolutions is the responsibility of the chief clerk or secretary of the house of origin.

(2) A joint resolution, which must be adopted by both houses and then signed by the governor as a ministerial formality. It may be used to express the desire, opinion, sympathy or request of the legislative assembly, to amend the joint rules, and to ratify or propose amendments to the United States Constitution. If a

joint resolution goes beyond a mere recommendation or expression of opinion, and does not relate to a subject solely within the competence of the legislative assembly, it is subject to veto by the governor. Except as otherwise provided in these rules, a joint resolution is treated in all respects as a bill.

6-2. Bills shall be typewritten on paper eight and one-half by thirteen inches with numbered lines, and shall be introduced in quadruplicate. Pica or elite type and a good black ribbon must be used. Bills shall be numbered at the foot of each page and shall have white covers of a substantial material. In sections amending existing statutes, matter to be stricken out shall be indicated with a line through the words or part to be deleted, and new matter shall be underlined. A key showing the numbers of sections of the most recent Revised Codes of Montana repealed or amended in a bill shall immediately precede the title.

6-3. No bill, except general appropriation bills, and bills for the codification and general revision of the laws, shall contain more than one subject, which shall be clearly expressed in the title. The enacting clause of every law shall be as follows: "Be it enacted by the legislative assembly of the state of Montana." (**Montana Constitution, Art. V, Sec. 23 and Art. V, Sec. 20**)

6-4. The general appropriation bills shall em-

brace nothing but appropriations for the ordinary expenses of the legislative, executive and judicial departments of the state, interest on public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject. (**Montana Constitution, Art. V, Sec. 33**)

6-5. Every statute, unless a different time is prescribed therein, takes effect on the first day of July of the year of its passage and approval. Every joint resolution, unless a different time is prescribed therein, takes effect from its passage. (**Sections 43-507 and 43-509, R. C. M. 1947**)

B.—Introduction

6-6. A bill may be introduced by endorsing it with the name of a member or committee and presenting it to the chief clerk or secretary in quadruplicate. Bills, joint resolutions, and simple resolutions shall be numbered consecutively in separate series in the order of their receipt.

6-7. All bills except revenue bills, appropriations bills and substitute bills must be received by the chief clerk or the secretary by 5 p.m. of the twentieth legislative day. Revenue bills must be received by the chief clerk by 5 p.m. of the twenty-fifth day.

6-8. No bill for the appropriation of money, except for expenses of the government, shall be

introduced within ten days of the close of the session, except by unanimous consent of the house in which it is sought to be introduced. **(Montana Constitution, Art. V, Sec. 21)**

6-9. All bills appropriating public moneys shall originate in the house of representatives. A member of the senate desiring the introduction of a bill carrying an appropriation may transmit it to the speaker of the house of representatives, who will provide for its introduction by request.

6-10. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in the case of other bills. **(Montana Constitution, Art. V, Sec. 32)**

6-11. No bill may be introduced or received in a house after that house has finally rejected a bill designed to accomplish the same purpose.

6-12. A committee must unanimously consent to the introduction of a committee bill.

C.—First Reading and Commitment

6-13. The purpose of the first reading of bills is for information and commitment. A bill shall be read by its title in the house of origin and by its title and history in the second house. No motion affecting a bill is in order on its first reading.

6-14. No bill shall be considered or become a

law unless referred to a committee, returned therefrom, and printed for the use of the members. (**Montana Constitution, Art. V, Sec. 22**)

6-15. After the first reading of a bill, it shall be referred to a committee by the presiding officer.

6-16. A bill may be recommitted at any time before its passage.

D.—Amendments and Substitute Bills

6-17. No law shall be revised or amended, or the provisions thereof extended by reference to its title only, but so much thereof as is revised, amended or extended shall be re-enacted and published at length. (**Montana Constitution, Art. V, Sec. 25**)

6-18. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose. (**Montana Constitution, Art. V, Sec. 19**)

6-19. A committee may recommend that every clause in a bill be changed and that entirely new matter be substituted so long as the new matter is relevant to the title and subject of the original bill. A substitute bill shall be considered as an amendment and not as a new bill.

6-20. The proper form of reporting a substitute bill by a committee is to propose amendments to strike out all of the bill following the enacting

clause and to substitute the new bill, recommending also any necessary changes in the title. If a committee report recommending a substitute for a bill originating in the other house is adopted, the substitute bill shall be printed.

6-21. Amendments to a bill by the second house shall not be further amended by the house in which the bill originated, but must either be accepted or rejected. If the amendments are rejected, a conference committee may be requested by the house in which the bill originated.

E.—Printing, Engrossing and Enrolling

6-22. If a majority of a house recommends the passage of a bill originating in that house after it has been returned from a committee, one thousand copies of the bill shall be printed with all amendments incorporated into the printed copies. Bills referred to the bills committee of the house of origin for printing must be reported within three days unless further time is granted by that house.

6-23. When a bill has been reported favorably by committee of the whole of the house of origin and the report has been adopted, the bill shall be engrossed under the direction of the bills committee, and when reported correctly engrossed by the committee shall be placed on the calendar for third reading on the succeeding legislative day. Committee of the whole amendments shall be included in the engrossed bill.

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If a bill is unamended, contains no clerical errors, and is neatly written, it may be engrossed without retyping.

6-24. When a bill has passed both houses it shall be enrolled as an act of the legislative assembly under the direction of the bills committee of the house of origin. An original and three duplicate typewritten copies of the bill shall be enrolled, free from all corrections and errors, with a margin of two inches at the top and one inch on each side, with thirty unnumbered lines to the page. In sections amending existing statutes, new matter shall be underlined and matter stricken with a line through it shall be omitted. The typewriting shall be done with a black record ribbon, pica or elite type, on plain linen finished paper 8½ inches wide and 13 inches long, weighing sixteen pounds to the ream. The original and first copy only of the bill shall be red lined. The history of the bill shall also be enrolled and placed in back of the bill in a white manuscript cover, upon which is written the number of the bill.

When the enrolling has been completed, the bill shall be examined by the author and the bills committee and reported correctly enrolled. The original and one copy shall be signed by the presiding officer of each house in open session and presented by the bills committee to the governor. The bills committee shall take a receipt from the governor and shall report to the house the day and hour of such presenta-

tion, which shall be entered in the journal. The original and two unsigned copies shall be filed with the secretary of state. The signed copy shall be filed with the clerk of the supreme court.

F.—Second Reading—Committee of the Whole

6-25. All bills which have been reported by a committee, accepted by the house concerned and printed, shall be posted on the calendar for consideration by committee of the whole. All amendments of the other house, shall immediately be posted on the calendar for consideration by committee of the whole. Until the forty-eighth legislative day, one day must elapse between the time a bill is printed and consideration by committee of the whole. Bills shall be arranged on the calendar in the order in which they are reported unless otherwise ordered by the house concerned.

6-26. Every bill considered in committee of the whole shall be read by title and history and considered section by section.

6-27. Prior to adoption of a committee of the whole report, a member may move to segregate a bill. If the motion prevails, the bill remains on second reading.

6-28. When a committee of the whole report on a bill is rejected the bill shall remain on second reading.

6-29. Either house may resolve itself into a

committee of the whole by approval of a motion for that purpose. So far as may be applicable, the rules governing each house shall be observed when that house resolves itself into a committee of the whole, except as follows:

- (1) The only motions in order are: to amend; to recommend passage or non-passage; to recommend concurrence or non-concurrence; to indefinitely postpone; to pass consideration; to rise; to rise and report; and to rise and report progress and ask leave to sit again.
- (2) A record vote may not be ordered.
- (3) The committee may not appoint sub-committees.
- (4) The committee may not punish its members for misconduct, but may report disorder to the house concerned.
- (5) Unless otherwise prescribed by either house before going into committee of the whole, a member may speak as often as he is recognized and for as long each time as is allowed in debate in the particular house.

6-30. After a committee of the whole has been formed, the presiding officer shall appoint a chairman to preside. Upon resuming the chair, the presiding officer shall receive the report of the chairman of the committee and the house shall take action on the report.

G.—Third Reading—Governor's Veto

6-31. No bill shall become a law except by vote of a majority of all the members present in each house, nor unless on its final passage the vote be taken by ayes and noes, and the names of those voting be entered on the journal. (**Montana Constitution, Art. V, Sec. 24**)

6-32. The title of every bill shall be read three times prior to passage. The first reading shall be prior to commitment; the second prior to debate in committee of the whole; and the third prior to final passage. No bill shall receive more than one reading on the same day except on the last legislative day.

6-33. Every order, resolution or vote, in which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of the business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, be re-passed by two-thirds of both houses, as prescribed in the case of a bill. (**Montana Constitution, Art. V, Sec. 40**)

6-34. Every bill passed by the legislative assembly shall, before it becomes a law, be presented to the governor. If he approves, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections to the house in which it originated, which house shall enter the objections

at large upon its journal and proceed to reconsider the bill. If then two-thirds of the members present agree to pass the same, it shall be sent, together with the objections, to the other house, but which it shall likewise be reconsidered, and if approved by two-thirds of the members present in that house it shall become a law notwithstanding the objections of the governor. In all such cases the vote of each house shall be determined by yeas and nays, to be entered on the journal. If any bill shall not be returned by the governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly shall by their adjournment prevent its return, in which case it shall not become a law without the approval of the governor. No bill shall become a law after the final adjournment of the legislative assembly, unless approved by the governor within fifteen days after such adjournment. In case the governor shall fail to approve of any bill after the final adjournment of the legislative assembly it shall be filed, with his objections, in the office of the secretary of state. **(Montana Constitution, Art. VII, Sec. 12)**

6-35. The governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts approved shall become a law, and the item or items disapproved shall be void, unless enacted in the manner fol-

lowing: If the legislative assembly be in session he shall within five days transmit to the house in which the bill originated, a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto. (**Montana Constitution, Art. VII, Sec. 13**)

H.—Transmittal of Bills

6-36. Each house shall transmit to the other with any bill all relevant papers. When a house bill is transmitted from the house of representatives to the senate, the secretary of the senate shall give a dated receipt for the bill to the chief clerk of the house. When a senate bill is transmitted to the house of representatives, the chief clerk of the house shall give a dated receipt to the secretary of the senate.

6-37. Except for appropriation bills and amendments considered by joint conference committees, no bills may be transmitted from one house to the other after the forty-second legislative day; and no amendments may be transmitted from one house to the other after the fifty-fifth legislative day.

6-38. When a bill has received its third reading or has been rejected, the house that considered the bill shall immediately transmit it to the other house with notice of its action.

CHAPTER 7

Committees

7-1. The committee on legislative administration of each house shall consider all matters concerned with seating, mileage and per diem, legislative employees, the control of legislative property, and the budgeting for and expenditure of appropriations for the operation of the legislative assembly.

7-2. A standing committee shall submit a written report in triplicate on all bills or matters referred to it within 7 days after reference, unless at the request of the committee and for good cause shown, further time is granted by the house concerned.

7-3. If the members of a committee cannot agree on a report, the majority and minority of the committee present at a committee meeting may submit separate reports. Only one minority report may be submitted. Such reports shall be entered at length on the journal, unless otherwise ordered by the house concerned.

7-4. All committees shall keep minutes of their meetings and, at the close of the session, shall turn the minutes over to the chief clerk of the house or secretary of the senate for delivery to the historical society.

7-5. The committee on rules and journal, the rules committee, the journal committee, the

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bills committee, and conference committees may report at any time, except during a call of the house or when a vote is being taken. Reports from the bills committee shall stand approved without formal action.

7-6. All bills providing for an appropriation of public moneys shall **first** be considered by a joint committee composed of the finance and claims committee of the senate, and the appropriations committee of the house, **and then by each separately.** Meetings of the joint committee shall be held upon call of the chairman of the house appropriations committee who shall be chairman of the joint committee.

7-7. Except as provided in Joint Rule 7-6, the chairman of the senate committee shall be chairman of all joint committees.

7-8. If either house requests a conference and appoints a committee for the purpose of discussing an amendment on which the senate and the house of representatives cannot agree, the other house shall appoint a committee consisting of the same number of members. They shall meet at a convenient time, to be agreed upon by their chairmen, and having conferred, shall report to their respective houses the result of their conference. A conference committee shall confine itself to the disputed amendment.

7-9. In joint committees other than conference committees, members vote individually and not by houses. Because conference committees are

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joint meetings of separate committees, in conference committees the committees from each house vote separately, and a majority of each committee must agree before any action may be taken.

CHAPTER 8

Rules and Journal

8-1. Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time, publish the same, except such parts as require secrecy, and the ayes and noes on any question shall, at the request of any two members, be entered on the journal. (**Montana Constitution, Art. V, Sec. 12**)

8-2. The proceedings of each house which shall be entered on its journal include:

(1) The title and number of each bill when it is introduced; subsequent references may be by number only.

(2) Every motion and the name of the member making it.

(3) Proposed constitutional amendments which have been voted for by two-thirds of the members. (**Montana Constitution, Art. XIX, Sec. 9**)

(4) Committee reports.

(5) Roll call votes.

(6) Messages from the governor and the other house.

(7) An entry of the oath taken by the members. (**Sec. 43-209, R.C.M. 1947**)

8-3. The journal committee or committee on rules and journal of each house shall examine

its journal, correct any errors, and report each legislative day immediately after roll call.

8-4. The journal of the senate must be authenticated by the signature of the president, and the journal of the house of representatives by the signature of the speaker. (**Sec. 43-304, R.C.M. 1947**)

8-5. (1) A joint rule may be repealed or amended only with the concurrence of both houses, under the procedures adopted by each house for the repeal or amendment of its own rules. (2) A joint rule governing the procedure for handling bills may be temporarily suspended by the unanimous consent of the members of either house, insofar as it applies to the house suspending it.

8-6. **Mason's Manual of Legislative Procedure** governs the proceedings of the senate and house of representatives in all cases not covered by these rules.

8-7. The legislative council shall codify and publish in one volume the rules of the senate, the rules of the house of representatives and the joint rules of the senate and house of representatives. Upon adoption, the secretary of the senate and the chief clerk of the house of representatives shall provide the office of the legislative council with one copy of all motions or resolutions amending senate, house or joint rules, and with copies of all minutes and reports of the rules committee on committee on

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rules and journal relating to rules. After the rules have been published, the legislative council shall distribute copies as directed by the senate and house of representatives.

CHAPTER 9

Voting Procedure

9-1. Except as provided in Joint Rule 9-2, every member present when a question is put shall vote unless the house of which he is a member excuses him.

9-2. A member who has a personal or private interest in any measure or bill proposed or pending before the legislative assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon. (**Montana Constitution, Art. V, Sec. 44**)

9-3. Amendments to the constitution may be proposed in either house; a two-thirds vote of the members elected to each house is required for passage. (**Montana Constitution, Art. XIX, Sec. 9**)

9-4. When a measure requiring the concurrence of two-thirds of the members is under consideration, a majority vote is sufficient to decide any question relating to the measure short of third reading.

9-5. A roll call vote shall be taken on the request of two members.

9-6. On a roll call vote the names of the members shall be called alphabetically, unless an electrical voting system is used. A member may not vote or change his vote after the decision is

announced from the chair. A member may not explain his vote until after the decision is announced from the chair.

9-7. (1) On third reading the question shall be stated as follows: "Senate (or house) bill number having been read three several times, the question is, shall the bill pass (or be concurred in)."

(2) If an electrical voting system is used the presiding officer shall ring the bell after stating the question and then state "Those in favor vote yea and those opposed vote no." After a reasonable pause the presiding officers asks "Has every member voted?" (reasonable pause) "Does any member wish to change his or her vote?" (reasonable pause) "The clerk (secretary) will now record the vote."

9-8. Two members may pair on a measure that will be determined by a majority vote. On a measure requiring a two-thirds vote for adoption three members may pair, with two members for the measure and one member against. Pairing is permitted only when one of the paired members is absent when the vote is taken.

9-9. An agreement to pair must be in writing and dated and signed by the members agreeing to be bound, and must specify the duration of the pair. When an agreement to pair is filed with the secretary of the senate or chief clerk

of the house of representatives, it shall bind the members signing until the expiration of time for which it was signed, unless the paired members sooner appear and ask that the agreement be cancelled.

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SENATE RULES

CHAPTER 1

Presiding Officer—Decorum, Order and Debate

S1-1. The lieutenant-governor shall be president of the senate, but shall vote only when the senate is equally divided. In case of the absence or disqualification of the lieutenant-governor, from any cause which applies to the governor, or when he shall hold the office of governor, then the president pro tempore of the senate shall perform the duties of the lieutenant-governor until the vacancy is filled or the disability removed. (**Montana Constitution, Art. VII, Sec. 15**)

S1-2. The senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members president pro tempore. The senate shall choose its other officers, and shall judge of the elections, returns, and qualifications of its members. (**Montana Constitution, Art. V, Sec. 9**)

S1-3. The president pro tempore, when acting as presiding officer of the senate, shall vote as any other member of the senate.

S1-4. The president may name a senator to perform the duties of the chair, when the president pro tempore is not present in the senate chamber. The senator who is so named is vested during such time with all the powers of the president; but he does not lose the right to vote on any question while presiding.

S1-5. No senator shall speak more than twice on any one motion or question without unanimous consent of the senate, unless he has introduced or proposed the motion or question under debate, in which case he may speak twice and also close the debate. However, a senator who has spoken shall not speak again on the same motion or question to the exclusion of a senator who has not spoken.

CHAPTER 7

Committees

S7-1. The senate shall elect a committee on committees consisting of 3 members. The committee on committees, with the approval of the senate, shall appoint standing and select committees of the senate, and senate membership on joint committees except conference committees. The president shall appoint all conference committees with the advice of the majority and minority floor leaders. The senate may change the membership of any committee on one day's notice.

The standing committees of the senate and their maximum membership are as follows:

1. Agriculture	11
2. Banking and Insurance	9
3. Bills	6
4. Commerce and Labor	11
5. Committees	3
6. Constitution, Elections and Federal Relations	9
7. Education	11
8. Finance and Claims	11
9. Fish and Game	11
10. Highways and Transportation	11
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22.	Journal	3
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CHAPTER 8

Rules and Journal

S8-1. (1) A motion to amend or adopt a rule of the senate shall be referred to the committee on rules without debate. A rule of the senate may only be amended or adopted with the concurrence of a majority of the senate and after one day's notice.

(2) A rule may be suspended temporarily by a two-thirds vote.

S8-2. **Mason's Manual of Legislative Procedure** governs the proceedings of the senate in all cases not covered by these rules.

CHAPTER 10

Nominations From The Governor

S10-1. The governor shall nominate, and by and with the consent of the senate, appoint all officers whose offices are established by the constitution, or which may be created by law, and whose appointment or election is not otherwise provided for. If during a recess of the senate a vacancy occur in any such office, the governor shall appoint some fit person to discharge the duties thereof until the next meeting of the senate, when he shall nominate some person to fill such office. (**Montana Constitution, Art. VII, Sec. 7**).

S10-2. When nominations are sent by the governor to the senate for confirmation, they shall not be acted on before the next succeeding legislative day, except nominations sent by the governor on the last legislative day of the session, which shall be acted upon that day.

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HOUSE RULES

CHAPTER 1

Presiding Officer—Decorum, Order and Debate

H1-1. The house of representatives shall elect one of its members speaker. The house shall choose its other officers, and shall judge of the elections, returns, and qualifications of its members. (**Montana Constitution, Art. V, Sec. 9**)

H1-2. The house shall elect one of its members speaker pro tempore who shall perform all of the duties of the speaker in the absence of that officer, and on such other occasions as the speaker may request.

H1-3. No member shall speak for longer than one-half hour in debate on any one motion or question.

H1-4. During committee reports the member reporting the measure under consideration from a committee may, if the measure is debated, open and close. If the debate extends beyond one day he may have one-half hour to close, even if he has used one-half hour in opening.

H1-5. No member shall speak more than once on the same question without the unanimous consent of the house, unless he has proposed or introduced the matter under debate, in which case he may speak in reply after all members choosing to speak have spoken.

CHAPTER 7

Committees

H7-1. The committee on rules and journal shall consist of the speaker and four members appointed by him. The speaker shall appoint other standing committees, select committees, and house membership on joint committees and conference committees. The standing committees of the house are as follows:

1. Affairs of cities.
2. Agriculture and Irrigation.
3. Appropriations.
4. Bills.
5. Business and Industry.
6. Constitution, Elections and Federal Relations.
7. Education.
8. Fish and Game.
9. Highways.
10. Judiciary.
11. Labor and Compensation.
12. Legislative Administration.
13. Livestock and Ranges.
14. Public Health, Welfare and Safety.
15. Rules and Journal.
16. State Administration.
17. Townships and Counties.
18. Ways and Means.

HOUSE RULES

The first named member of a committee is the chairman, and in his absence the next named member, and so on. No standing committee, except appropriations and education, may consist of more than 15 members.

CHAPTER 8

Rules and Journal

H8-1. (1) A motion to amend or adopt a rule of the house shall be referred to the committee on rules and journal, which shall report no later than the next legislative day. Unless recommended by the committee on rules and journal, no house rule shall be amended or adopted except by a two-thirds vote.

(2) A house rule may be suspended temporarily for a specified purpose by unanimous consent.

H8-2. **Mason's Manual of Legislative Procedure** governs the proceedings of the house of representatives in all cases not covered by these rules.

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